AMENDED IN ASSEMBLY APRIL 15, 2004 AMENDED IN ASSEMBLY APRIL 12, 2004 AMENDED IN ASSEMBLY MARCH 24, 2004

CALIFORNIA LEGISLATURE—2003-04 REGULAR SESSION

ASSEMBLY BILL

No. 2828

Introduced by Assembly Members Cohn, Wesson, and Koretz

February 20, 2004

An act to amend Sections 7582.2, 7583.12, 7583.37, 7597.1, and 7597.6 of the Business and Professions Code, to amend Sections 171b, 171.5, 626.9, *12001*, 12025, 12026.2, 12027, 12028, 12050, and 12807 of the Penal Code, and to amend Section 10334 of the Public Contract Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2828, as amended, Cohn. Firearms.

Existing law, subject to exceptions, makes it a crime to carry a concealed handgun in a vehicle, as specified.

This bill would recast those provisions and change the description of the crime to unlawful carrying of a handgun, as specified. This bill would make it a crime to carry a handgun in a vehicle, subject to exceptions, regardless of whether the handgun was concealed. This bill would also provide additional exceptions to the provisions establishing the crime.

By changing the scope of an existing crime, this bill would impose a state-mandated local program. AB 2828 — 2 —

Existing law authorizes the sheriff of a county, and the chief or other head of a municipal police department to issue a license to carry concealed, a handgun, as specified.

This bill would additionally authorize those local entities to issue a license to carry unloaded and exposed, a handgun, as specified.

This bill would make other technical conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7582.2 of the Business and Professions 2 Code is amended to read:

7582.2. This chapter does not apply to:

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- (a) A person employed exclusively and regularly by any employer who does not provide contract security services for other entities or persons, in connection with the affairs of the employer only and where there exists an employer-employee relationship if that person at no time carries or uses any deadly weapon in the performance of his or her duties. For purposes of this subdivision, "deadly weapon" is defined to include any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, handgun or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club.
- (b) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while the officer or employee is engaged in the performance of his or her official duties, including uniformed peace officers employed part time by a public agency pursuant to a written agreement between a chief of police or sheriff and the public agency, provided the part-time employment does not exceed 50 hours in any calendar month.

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(c) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

- (d) A charitable philanthropic society or association duly incorporated under the laws of this state which is organized and maintained for the public good and not for private profit.
- (e) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (2) must be not less than 18 years of age nor more than 40 years of age, (3) must possess physical qualifications prescribed by the commission, and (4) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.
- (f) An attorney at law in performing his or her duties as an attorney at law.
- (g) A collection agency or an employee thereof while acting within the scope of his or her employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her property where the contract with an assignor creditor is for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof.
- (h) Admitted insurers and agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them.
- (i) Any bank subject to the jurisdiction of the Commissioner of Financial Institutions of the State of California under Division 1 (commencing with Section 99) of the Financial Code or the Comptroller of Currency of the United States.
- (j) A person engaged solely in the business of securing information about persons or property from public records.
- (k) A peace officer of this state or a political subdivision thereof while the peace officer is employed by a private employer to engage in off-duty employment in accordance with Section 1126 of the Government Code. However, nothing herein shall exempt such peace officer who either contracts for his or her services or the services of others as a private patrol operator or contracts for his or her services as or is employed as an armed private security

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officer. For purposes of this subdivision, "armed security officer" means an individual who carries or uses a firearm in the course and scope of that contract or employment.

- (1) A retired peace officer of the state or political subdivision thereof when the retired peace officer is employed by a private employer in employment approved by the chief law enforcement officer of the jurisdiction where the employment takes place, provided that the retired officer is in a uniform of a public law enforcement agency, has registered with the bureau on a form approved by the director, and has met any training requirements or their equivalent as established for security personnel under Section 7583.5. This officer may not carry a loaded firearm or concealed handgun unless he or she is exempted under the provisions of subdivision (a) of Section 12027 of the Penal Code or paragraph (1) of subdivision (b) of Section 12031 of the Penal Code or has met the requirements set forth in Section 12033 of the Penal Code. However, nothing herein shall exempt the retired peace officer who contracts for his or her services or the services of others as a private patrol operator.
- (m) A licensed insurance adjuster in performing his or her duties within the scope of his or her license as an insurance adjuster.
- (n) Any savings association subject to the jurisdiction of the Commissioner of Financial Institutions or the Office of Thrift Supervision.
- (o) Any secured creditor engaged in the repossession of the creditor's collateral and any lessor engaged in the repossession of leased property in which it claims an interest.
- (p) A peace officer in his or her official police uniform acting in accordance with subdivisions (c) and (d) of Section 70 of the Penal Code.
- SEC. 2. Section 7583.12 of the Business and Professions Code is amended to read:
- 7583.12. (a) No employee of a licensee shall carry or use a firearm unless the employee has in his or her possession both of the following:
 - (1) A valid guard registration card issued pursuant to this chapter.
- 39 (2) A valid firearm qualification card issued pursuant to this 40 chapter.

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(b) Paragraph (2) of subdivision (a) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who meets all of the following:

- (1) He or she has successfully completed a course of study in the use of firearms.
- (2) He or she is authorized to carry a concealed handgun in the course and scope of his or her employment pursuant to subdivision (a) of Section 12027 of the Penal Code.
- (3) He or she has proof that he or she has applied to the bureau for a firearms qualification card.
- (c) (1) This section shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who has written approval from his or her primary employer, as defined in paragraph (2) of subdivision (i) of Section 7583.9, to carry a firearm while working as a security guard or security officer.
- (2) A peace officer exempt under this subdivision shall carry on his or her person a letter of approval from his or her primary employer authorizing him or her to carry a firearm while working as a security guard or security officer.
- SEC. 3. Section 7583.37 of the Business and Professions Code is amended to read:
- 7583.37. The director may assess fines as enumerated in Article 7 (commencing with Section 7587). Assessment of administrative fines shall be independent of any other action by the bureau or any local, state, or federal governmental agency that may result from a violation of this article. In addition to other prohibited acts under this chapter, no licensee, qualified manager, or registered security guard shall, during the course and scope of licensed activity, do any of the following:
 - (a) Carry any inoperable, replica, or other simulated firearm.
- (b) Use a firearm in violation of the law, or in knowing violation of the standards for the carrying and usage of firearms as taught in the course of training in the carrying and use of firearms. Unlawful or prohibited uses of firearms shall include, but not be limited to, the following:
- (1) Illegally using, carrying, or possessing a dangerous weapon.
 - (2) Brandishing a weapon.

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- 1 (3) Drawing a weapon without proper cause.
 - (4) Provoking a shooting incident without cause.
 - (5) Carrying or using a firearm while on duty while under the influence of alcohol or dangerous drugs.
 - (6) Carrying or using a firearm of a caliber for which a firearms permit has not been issued by the bureau.
 - (c) Carry or use a baton in the performance of his or her duties, unless he or she has in his or her possession a valid baton certificate issued pursuant to Section 7585.14.
 - (d) Carry or use tear gas or any other nonlethal chemical agent in the performance of his or her duties unless he or she has in his or her possession proof of completion of a course in the carrying and use of tear gas or any other nonlethal chemical agent.
 - (e) Carry a concealed handgun unless one of the following circumstances applies:
 - (1) The person has been issued a permit to carry a handgun in a concealed manner by a local law enforcement agency pursuant to Section 12050 of the Penal Code.
 - (2) The person is employed as a guard or messenger of a common carrier, bank, or other financial institution and he or she carries the weapon while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state, as specified in subdivision (e) of Section 12027 of the Penal Code.
 - (3) The person is an honorably retired peace officer authorized to carry a concealed handgun pursuant to subdivision (a) or (i) of Section 12027 of the Penal Code.
 - (4) The person is a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a concealed handgun in the course and scope of his or her employment pursuant to subdivision (a) of Section 12027 of the Penal Code.
 - SEC. 4. Section 7597.1 of the Business and Professions Code is amended to read:
- 7597.1. (a) No licensee, qualified manager, branch office 36 manager, or alarm agent shall carry, use, or possess a loaded or unloaded firearm in the course and scope of his or her employment, whether or not it is serviceable or operative, unless he or she has in his or her possession a valid and current firearms qualification card issued to him or her by the bureau. The card shall

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1 be shown to any peace officer or bureau representative upon 2 demand.

- (b) Subdivision (a) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who meets all of the following:
- (1) He or she has successfully completed a course of study in the use of firearms.
- (2) He or she is authorized to carry a concealed handgun in the course and scope of his or her employment pursuant to subdivision (a) of Section 12027 of the Penal Code.
- (3) He or she has proof that he or she has applied to the bureau for a firearms qualification card.
- (c) A fine of twenty-five dollars (\$25) may be assessed for the first violation of this section and a fine of one hundred dollars (\$100) for each subsequent violation.
- SEC. 5. Section 7597.6 of the Business and Professions Code is amended to read:
- 7597.6. (a) No licensee, qualified manager, branch office manager, or alarm agent shall carry a handgun in a concealed manner unless one of the following circumstances apply:
- (1) The person has been issued a permit to carry that firearm in a concealed manner by a local law enforcement agency pursuant to Section 12050 of the Penal Code.
- (2) The person is an honorably retired peace officer authorized to carry a concealed handgun pursuant to subdivision (a) or (i) of Section 12027 of the Penal Code.
- (3) The person is a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a concealed handgun in the course and scope of his or her employment pursuant to subdivision (a) of Section 12027 of the Penal Code.
- 33 (b) A fine of five hundred dollars (\$500) may be assessed for each violation of subdivision (a).
 - SEC. 6. Section 171b of the Penal Code is amended to read:
 - 171b. (a) Any person who brings or possesses within any state or local public building or at any meeting required to be open to the public pursuant to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of, or Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of

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1 Division 3 of Title 2 of, the Government Code, any of the 2 following is guilty of a public offense punishable by imprisonment 3 in a county jail for not more than one year, or in the state prison:

(1) Any firearm.

- (2) Any deadly weapon described in Section 653k or 12020.
- 6 (3) Any knife with a blade length in excess of four inches, the 7 blade of which is fixed or is capable of being fixed in an unguarded 8 position by the use of one or two hands.
 - (4) Any unauthorized tear gas weapon.
 - (5) Any taser or stun gun, as defined in Section 244.5.
 - (6) Any instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO₂ pressure, or spring action, or any spot marker gun or paint gun.
 - (b) Subdivision (a) shall not apply to, or affect, any of the following:
 - (1) A person who possesses weapons in, or transports weapons into, a court of law to be used as evidence.
 - (2) (A) A duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a retired peace officer with authorization to carry a concealed handgun as described in subdivision (a) of Section 12027, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer.
 - (B) Notwithstanding subparagraph (A), subdivision (a) shall apply to any person who brings or possesses any weapon specified therein within any courtroom if he or she is a party to an action pending before the court.
 - (3) A person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4.
 - (4) A person who has permission to possess that weapon granted in writing by a duly authorized official who is in charge of the security of the state or local government building.
 - (5) A person who lawfully resides in, lawfully owns, or is in lawful possession of, that building with respect to those portions of the building that are not owned or leased by the state or local government.

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(6) A person licensed or registered in accordance with, and acting within the course and scope of, Chapter 11.5 (commencing with Section 7512) or Chapter 11.6 (commencing with Section 7590) of Division 3 of the Business and Professions Code who has been hired by the owner or manager of the building if the person has permission pursuant to paragraph (5).

- (7) (A) A person who, for the purpose of sale or trade, brings any weapon that may otherwise be lawfully transferred, into a gun show conducted pursuant to Sections 12071.1 and 12071.4.
- (B) A person who, for purposes of an authorized public exhibition, brings any weapon that may otherwise be lawfully possessed, into a gun show conducted pursuant to Sections 12071.1 and 12071.4.
- (c) As used in this section, "state or local public building" means a building that meets all of the following criteria:
- (1) It is a building or part of a building owned or leased by the state or local government, if state or local public employees are regularly present for the purposes of performing their official duties. A state or local public building includes, but is not limited to, a building that contains a courtroom.
- (2) It is not a building or facility, or a part thereof, that is referred to in Section 171c, 171d, 626.9, 626.95, or 626.10 of this code, or in Section 18544 of the Elections Code.
- (3) It is a building not regularly used, and not intended to be used, by state or local employees as a place of residence.
 - SEC. 7. Section 171.5 of the Penal Code is amended to read: 171.5. (a) For purposes of this section:
- (1) "Airport" means an airport, with a secured area, that regularly serves an air carrier holding a certificate issued by the United States Secretary of Transportation.
- (2) "Sterile area" means a portion of an airport defined in the airport security program to which access generally is controlled through the screening of persons and property, as specified in Section 1540.5 of Title 49 of the Code of Federal Regulations.
- (b) It is unlawful for any person to knowingly possess within any sterile area of an airport, any of the items listed in subdivision (c).
- 38 (c) The following items are unlawful to possess as provided in subdivision (b):
- 40 (1) Any firearm.

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1 (2) Any knife with a blade length in excess of four inches, the 2 blade of which is fixed, or is capable of being fixed, in an 3 unguarded position by the use of one or two hands.

- (3) Any box cutter or straight razor.
- 5 (4) Any metal military practice hand grenade.
 - (5) Any metal replica hand grenade.
- 7 (6) Any plastic replica hand grenade.
- 8 (7) Any imitation firearm as defined in Section 417.4.
 - (8) Any frame, receiver, barrel, or magazine of a firearm.
- 10 (9) Any unauthorized tear gas weapon.
- 11 (10) Any taser or stun gun, as defined in Section 244.5.
 - (11) Any instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO₂ pressure, or spring action, or any spot marker gun or paint gun.
 - (12) Any ammunition as defined in Section 12316.
 - (d) Subdivision (b) shall not apply to, or affect, any of the following:
 - (1) A duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a retired peace officer with authorization to carry a concealed handgun as described in subdivision (a) of Section 12027, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer.
 - (2) A person who has authorization to possess a weapon specified in subdivision (c), granted in writing by an airport security coordinator who is designated as specified in Section 1542.3 of Title 49 of the Code of Federal Regulations, and who is responsible for the security of the airport.
 - (e) A violation of this section is punishable by imprisonment in a county jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.
 - (f) The provisions of this section are cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission that is punishable in different ways by this and any other provision of law shall not be punished under more than one provision.

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(g) Nothing in this section is intended to affect existing state or federal law regarding the transportation of firearms on airplanes in checked luggage, or the possession of the items listed in subdivision (c) in areas that are not "sterile areas."

- SEC. 8. Section 626.9 of the Penal Code is amended to read: 626.9. (a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.
- (b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (1) of subdivision (e), unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished as specified in subdivision (f).
- (c) Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:
- (1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.
- (2) When the firearm is an unloaded handgun and is in a locked container or within the locked trunk of a motor vehicle.

This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a handgun, in accordance with state law.

- (3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating subdivision (b), the trier of a fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.
- (4) When the person is exempt from the prohibition against carrying a handgun pursuant to subdivision (b), (d), (e), or (h) of Section 12027.
- (d) Except as provided in subdivision (b), it shall be unlawful for any person, with reckless disregard for the safety of another,

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to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (1) of subdivision (e).

The prohibition contained in this subdivision does not apply to the discharge of a firearm to the extent that the conditions of paragraph (1) of subdivision (c) are satisfied.

- (e) As used in this section, the following definitions shall apply:
- (1) "School zone" means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school.
- (2) "Firearm" has the same meaning as that term is given in Section 12001.
- (3) "Locked container" has the same meaning as that term is given in subdivision (c) of Section 12026.1.
- (f) (1) Any person who violates subdivision (b) by possessing a firearm in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished by imprisonment in the state prison for two, three, or five years.
- (2) Any person who violates subdivision (b) by possessing a firearm within a distance of 1,000 feet from the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished as follows:
- (A) By imprisonment in the state prison for two, three, or five years, if any of the following circumstances apply:
- (i) If the person previously has been convicted of any felony, or of any crime made punishable by Chapter 1 (commencing with Section 12000) of Title 2 of Part 4.
- (ii) If the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.
- (iii) If the firearm is any handgun and the offense is punished as a felony pursuant to Section 12025.
- (B) By imprisonment in a county jail for not more than one year or by imprisonment in the state prison for two, three, or five years, in all cases other than those specified in subparagraph (A).
- 39 (3) Any person who violates subdivision (d) shall be punished 40 by imprisonment in the state prison for three, five, or seven years.

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(g) (1) Every person convicted under this section for a misdemeanor violation of subdivision (b) who has been convicted previously of a misdemeanor offense enumerated in Section 12001.6 shall be punished by imprisonment in a county jail for not less than three months, or if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months

- (2) Every person convicted under this section of a felony violation of subdivision (b) or (d) who has been convicted previously of a misdemeanor offense enumerated in Section 12001.6, if probation is granted or if the execution of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.
- (3) Every person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of any felony, or of any crime made punishable by Chapter 1 (commencing with Section 12000) of Title 2 of Part 4, if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.
- (4) The court shall apply the three-month minimum sentence specified in this subdivision, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment required in this subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this subdivision, in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.
- (h) Notwithstanding Section 12026, any person who brings or possesses a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment in the state prison for two, three, or four years. Notwithstanding subdivision

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(k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

- (i) Notwithstanding Section 12026, any person who brings or possesses a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment in the state prison for one, two, or three years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.
- (j) For purposes of this section, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.
- (k) This section does not require that notice be posted regarding the proscribed conduct.
- (*l*) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle guard, engaged in the performance of his or her duties, as defined in subdivision (e) of Section 7521 of the Business and Professions Code.

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(m) This section does not apply to a security guard authorized to carry a loaded firearm pursuant to Section 12031.

- (n) This section does not apply to an existing shooting range at a public or private school or university or college campus.
- (o) This section does not apply to an honorably retired peace officer authorized to carry a concealed or loaded firearm pursuant to subdivision (a) or (i) of Section 12027 or paragraph (1) or (8) of subdivision (b) of Section 12031.
- SEC. 8.5. Section 12001 of the Penal Code is amended to read:
- 12001. (a) (1) As used in this title, the terms "pistol," "revolver," and "firearm capable of being concealed upon the person" shall apply to and include any device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and that has a barrel less than 16 inches in length. These terms also include any device that has a barrel 16 inches or more in length which is designed to be interchanged with a barrel less than 16 inches in length.
- (2) As used in this title, the term "handgun" means any "pistol," "revolver," or "firearm capable of being concealed upon the person."
- (b) As used in this title, "firearm" means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.
- (c) As used in Sections 12021, 12021.1, 12070, 12071, 12072, 12073, 12078, 12101, and 12801 of this code, and Sections 8100, 8101, and 8103 of the Welfare and Institutions Code, the term "firearm" includes the frame or receiver of the weapon.
- (d) (1) For the purposes of Sections Section 12025 and 12031, the term "firearm" "handgun" also shall include any rocket, rocket propelled projectile launcher, or similar device containing any explosive or incendiary material whether or not the device is designed for emergency or distress signaling purposes.
- (2) For the purposes of Section 12031, the term "firearm" also shall include any rocket, rocket propelled projectile launcher, or similar device containing any explosive or incendiary material whether or not the device is designed for emergency or distress signaling purposes.

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(e) For purposes of Sections 12070, 12071, and paragraph (8) of subdivision (a), and subdivisions (b), (c), (d), and (f) of Section 12072, the term "firearm" does not include an unloaded firearm that is defined as an "antique firearm" in Section 921(a)(16) of Title 18 of the United States Code.

- (f) Nothing shall prevent a device defined as a "handgun," "pistol," "revolver," or "firearm capable of being concealed upon the person" from also being found to be a short-barreled shotgun or a short-barreled rifle, as defined in Section 12020.
- (g) For purposes of Sections 12551 and 12552, the term "BB device" means any instrument that expels a projectile, such as a BB or a pellet, not exceeding 6mm caliber, through the force of air pressure, gas pressure, or spring action, or any spot marker gun.
- (h) As used in this title, "wholesaler" means any person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who sells, transfers, or assigns firearms, or parts of firearms, to persons who are licensed as manufacturers, importers, or gunsmiths pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, or persons licensed pursuant to Section 12071, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms in furtherance of that purpose.
- "Wholesaler" shall not include a manufacturer, importer, or gunsmith who is licensed to engage in those activities pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code or a person licensed pursuant to Section 12071 and the regulations issued pursuant thereto. A wholesaler also does not include those persons dealing exclusively in grips, stocks, and other parts of firearms that are not frames or receivers thereof.
- (i) As used in Section 12071, 12072, or 12084, "application to purchase" means any of the following:
- (1) The initial completion of the register by the purchaser, transferee, or person being loaned the firearm as required by subdivision (b) of Section 12076.
- (2) The initial completion of the LEFT by the purchaser, transferee, or person being loaned the firearm as required by subdivision (d) of Section 12084.

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(3) The initial completion and transmission to the department of the record of electronic or telephonic transfer by the dealer on the purchaser, transferee, or person being loaned the firearm as required by subdivision (c) of Section 12076.

- (j) For purposes of Section 12023, a firearm shall be deemed to be "loaded" whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person.
- (k) (1) For purposes of Sections 12021, 12021.1, 12025, 12070, 12072, 12073, 12078, 12101, and 12801 of this code, and Sections 8100, 8101, and 8103 of the Welfare and Institutions Code, notwithstanding the fact that the term "any firearm" may be used in those sections, each firearm or the frame or receiver of the same shall constitute a distinct and separate offense under those sections.
- (2) For purposes of Section 12025, notwithstanding the fact that the term "any handgun" may be used in that section, each handgun, or the frame, or receiver of the same shall constitute a distinct and separate offense under that section.
- (*l*) For purposes of Section 12020, a violation of that section as to each firearm, weapon, or device enumerated therein shall constitute a distinct and separate offense.
- (m) Each application that requires any firearms eligibility determination involving the issuance of any license, permit, or certificate pursuant to this title shall include two copies of the applicant's fingerprints on forms prescribed by the Department of Justice. One copy of the fingerprints may be submitted to the United States Federal Bureau of Investigation.
- (n) As used in this chapter, a "personal handgun importer" means an individual who meets all of the following criteria:
 - (1) He or she is not a person licensed pursuant to Section 12071.
- (2) He or she is not a licensed manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.
- (3) He or she is not a licensed importer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- 38 (4) He or she is the owner of a pistol, revolver, or other firearm 39 capable of being concealed upon the person.

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(5) He or she acquired that pistol, revolver, or other firearm capable of being concealed upon the person outside of California.

- (6) He or she moves into this state on or after January 1, 1998, as a resident of this state.
- (7) He or she intends to possess that pistol, revolver, or other firearm capable of being concealed upon the person within this state on or after January 1, 1998.
- (8) The pistol, revolver, or other firearm capable of being concealed upon the person was not delivered to him or her by a person licensed pursuant to Section 12071 who delivered that firearm following the procedures set forth in Section 12071 and subdivision (c) of Section 12072.
- (9) He or she, while a resident of this state, had not previously reported his or her ownership of that pistol, revolver, or other firearm capable of being concealed upon the person to the Department of Justice in a manner prescribed by the department that included information concerning him or her and a description of the firearm.
- (10) The pistol, revolver, or other firearm capable of being concealed upon the person is not a firearm that is prohibited by subdivision (a) of Section 12020.
- (11) The pistol, revolver, or other firearm capable of being concealed upon the person is not an assault weapon, as defined in Section 12276 or 12276.1.
- (12) The pistol, revolver, or other firearm capable of being concealed upon the person is not a machinegun, as defined in Section 12200.
 - (13) The person is 18 years of age or older.
 - (o) For purposes of paragraph (6) of subdivision (n):
- (1) Except as provided in paragraph (2), residency shall be determined in the same manner as is the case for establishing residency pursuant to Section 12505 of the Vehicle Code.
- (2) In the case of members of the Armed Forces of the United States, residency shall be deemed to be established when he or she was discharged from active service in this state.
- (p) As used in this code, "basic firearms safety certificate" means a certificate issued by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, prior to January 1, 2003.

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(q) As used in this code, "handgun safety certificate" means a certificate issued by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, as that article is operative on or after January 1, 2003.

- (r) As used in this title, "gunsmith" means any person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who is engaged primarily in the business of repairing firearms, or making or fitting special barrels, stocks, or trigger mechanisms to firearms, or the agent or employee of that person.
- SEC. 9. Section 12025 of the Penal Code is amended to read: 12025. (a) A person is guilty of unlawful carrying of a handgun when he or she does any of the following:
- (1) Carries within any vehicle which is under his or her control or direction any handgun.
 - (2) Carries concealed upon his or her person any handgun.
- (3) Causes to be carried within any vehicle in which he or she is an occupant any handgun.
- (4) Carries upon his or her person any handgun upon the public streets of an incorporated city or city and county.
- (b) Unlawful carrying of a handgun in violation of this section is punishable, as follows:
- (1) Where the person previously has been convicted of any felony, or of any crime made punishable by this chapter, as a felony.
- (2) Where the firearm handgun is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.
- (3) Where the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.
- (4) Where the person is not in lawful possession of the firearm handgun, as defined in this section, or the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.
- 39 (5) Where the person has been convicted of a crime against a 40 person or property, or of a narcotics or dangerous drug violation,

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by imprisonment in the state prison, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

- (6) By imprisonment in the state prison, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment if both of the following conditions are met:
- (A) Both the handgun and the unexpended ammunition capable of being discharged from that firearm are either in the immediate possession of the person or readily accessible to that person, or the handgun is loaded as defined in subdivision (g) of Section 12031.
- (B) The person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106, as the registered owner of that handgun.
- (7) In all cases other than those specified in paragraphs (1) to (6), inclusive, by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.
- (c) A peace officer may arrest a person for a violation of paragraph (6) of subdivision (b) if the peace officer has probable cause to believe that the person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of the handgun, and one or more of the conditions in subparagraph (A) of paragraph (6) of subdivision (b) is met.
- (d) (1) Every person convicted under this section who previously has been convicted of a misdemeanor offense enumerated in Section 12001.6 shall be punished by imprisonment in a county jail for at least three months and not exceeding six months, or, if granted probation, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for at least three months.
- (2) Every person convicted under this section who has previously been convicted of any felony, or of any crime made punishable by this chapter, if probation is granted, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.
- (e) The court shall apply the three-month minimum sentence as specified in subdivision (d), except in unusual cases where the

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interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in subdivision (d) or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivision (d), in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

- (f) Firearms Handguns carried openly in belt holsters are not concealed within the meaning of this section.
- (g) For purposes of this section, "lawful possession of the firearm" handgun" means that the person who has possession or custody of the firearm handgun either lawfully owns the firearm handgun or has the permission of the lawful owner or a person who otherwise has apparent authority to possess or have custody of the firearm handgun. A person who takes a firearm handgun without the permission of the lawful owner or without the permission of a person who has lawful custody of the firearm handgun does not have lawful possession of the firearm handgun.
- (h) (1) The district attorney of each county shall submit annually a report on or before June 30, to the Attorney General consisting of profiles by race, age, gender, and ethnicity of any person charged with a felony or a misdemeanor under this section and any other offense charged in the same complaint, indictment, or information.
- (2) The Attorney General shall submit annually, a report on or before December 31, to the Legislature compiling all of the reports submitted pursuant to paragraph (1).
- (3) This subdivision shall remain operative until January 1, 2005, and as of that date shall be repealed.
- (i) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and other provisions of law shall not be punished under more than one provision.
- 36 SEC. 10. Section 12026.2 of the Penal Code is amended to read:
- 38 12026.2. (a) Section 12025 does not apply to, or affect, any of the following:

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(1) The possession of a firearm handgun by an authorized participant in a motion picture, television, or video production or entertainment event when the participant lawfully uses the firearm handgun as part of that production or event or while going directly to, or coming directly from, that production or event.

- (2) The possession of a firearm handgun in a locked container by a member of any club or organization, organized for the purpose of lawfully collecting and lawfully displaying pistols, revolvers handguns, or other firearms, while the member is at meetings of the clubs or organizations or while going directly to, and coming directly from, those meetings.
- (3) The transportation of a firearm handgun by a participant when going directly to, or coming directly from, a recognized safety or hunter safety class, or a recognized sporting event involving that firearm handgun.
- (4) The transportation of a firearm *handgun* by a person listed in Section 12026 directly between any of the places mentioned in Section 12026.
- (5) The transportation of a firearm handgun by a person when going directly to, or coming directly from, a fixed place of business or private residential property for the purpose of the lawful repair or the lawful transfer, sale, or loan of that firearm handgun.
- (6) The transportation of a firearm handgun by a person listed in Section 12026, or by a person to whom the firearm handgun was returned by operation of law, when going directly from the place where that person lawfully received that firearm handgun to that person's place of residence or place of business or to private property owned or lawfully possessed by that person.
- (7) The transportation of a firearm handgun by a person when going directly to, or coming directly from, a gun show, swap meet, or similar event to which the public is invited, for the purpose of displaying that firearm handgun in a lawful manner.
- (8) The transportation of a firearm handgun by an authorized employee or agent of a supplier of firearms when going directly to, or coming directly from, a motion picture, television, or video production or entertainment event for the purpose of providing that firearm handgun to an authorized participant to lawfully use as a part of that production or event.

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(9) The transportation of a firearm handgun by a person when going directly to, or coming directly from, a target range, which holds a regulatory or business license, for the purposes of practicing shooting at targets with that firearm handgun at that target range.

- (10) The transportation of a firearm handgun by a person when going directly to, or coming directly from, a place designated by a person authorized to issue licenses pursuant to Section 12050 when done at the request of the issuing agency so that the issuing agency can determine whether or not a license should be issued to that person to carry that firearm handgun.
- (11) The transportation of a firearm handgun by a person when going directly to, or coming directly from, a law enforcement agency for the purpose of a lawful transfer, sale, or loan of that firearm handgun pursuant to Section 12084.
- (12) The transportation of a firearm handgun by a person when going directly to, or coming directly from, a lawful camping activity for the purpose of having that firearm handgun available for lawful personal protection while at the lawful campsite. This paragraph shall not be construed to override the statutory authority granted to the Department of Parks and Recreation or any other state or local governmental agencies to promulgate rules and regulations governing the administration of parks and campgrounds.
- (13) The transportation of a firearm handgun by a person in order to comply with subdivision (c) or (i) of Section 12078 as it pertains to that firearm handgun.
- (14) The transportation of a firearm handgun by a person in order to utilize subdivision (*l*) of Section 12078 as it pertains to that firearm handgun.
- (15) The transportation of a firearm handgun by a person when going directly to, or coming directly from, a gun show or event, as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, for the purpose of lawfully transferring, selling, or loaning that firearm handgun in accordance with subdivision (d) of Section 12072.
- (16) The transportation of a firearm handgun by a person in order to utilize paragraph (3) of subdivision (a) of Section 12078 as it pertains to that firearm handgun.

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(17) The transportation of a firearm handgun by a person who finds the firearm handgun in order to comply with Article 1 (commencing with Section 2080) of Chapter 4 of Division 3 of the Civil Code as it pertains to that firearm handgun and if that firearm handgun is being transported to a law enforcement agency, the person gives prior notice to the law enforcement agency that he or she is transporting the firearm handgun to the law enforcement agency.

- (18) The transportation of a firearm handgun by a person who finds the firearm and is transporting it to a law enforcement agency for disposition according to law, if he or she gives prior notice to the law enforcement agency that he or she is transporting the firearm handgun to the law enforcement agency for disposition according to law.
- (19) The transportation of a firearm handgun by a person in order to comply with paragraph (2) of subdivision (f) of Section 12072 as it pertains to that firearm handgun.
- (20) The transportation of a firearm handgun by a person in order to comply with paragraph (3) of subdivision (f) of Section 12072 as it pertains to that firearm handgun.
- (21) The transportation of a firearm handgun by a person for the purpose of obtaining an identification number or mark assigned for that firearm handgun from the Department of Justice pursuant to Section 12092.
- (22) The transportation of a firearm handgun in an exposed manner by a member of an organization chartered by the Congress of the United States of America or a nonprofit mutual or public benefit corporation organized and recognized as a nonprofit tax-exempt organization by the Internal Revenue Service going directly to, or coming directly from, official parade duty or ceremonial occasions of that organization.
- (b) In order for a firearm handgun to be exempted under subdivision (a), while being transported to or from a place, the firearm handgun shall be unloaded, kept in a locked container, as defined in subdivision (d), and the course of travel shall include only those deviations between authorized locations as are reasonably necessary under the circumstances.
- (c) This section does not prohibit or limit the otherwise lawful carrying or transportation of any handgun in accordance with this chapter.

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(d) As used in this section, "locked container" means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. The term "locked container" does not include the utility or glove compartment of a motor vehicle.

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- SEC. 11. Section 12027 of the Penal Code is amended to read: 12027. Section 12025 does not apply to, or affect, any of the following:
- (a) (1) (A) Any peace officer, listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, whether active or honorably retired, other duly appointed peace officers, honorably retired peace officers listed in subdivision (c) of Section 830.5, other honorably retired peace officers who during the course and scope of their employment as peace officers were authorized to, and did, carry firearms, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting that officer. Any peace officer described in this paragraph who has been honorably retired shall be issued an identification certificate by the law enforcement agency from which the officer has retired. The issuing agency may charge a fee necessary to cover any reasonable expenses incurred by the agency in issuing certificates pursuant to this subdivision. As used in this section and Section 12031, the term "honorably retired" includes all peace officers who have qualified for, and have accepted, a service or disability retirement. For purposes of this section and Section 12031, the term "honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination.
- (B) Any officer, except an officer listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, shall have an endorsement on the identification certificate stating that the issuing agency approves the officer's carrying of a concealed firearm handgun.
- (C) No endorsement or renewal endorsement issued pursuant to paragraph (2) shall be effective unless it is in the format set forth in subparagraph (D), except that any peace officer listed in subdivision (f) of Section 830.2 or in subdivision (c) of Section

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1 830.5, who is retired between January 2, 1981, and on or before 2 December 31, 1988, and who is authorized to carry a concealed 3 firearm handgun pursuant to this section, shall not be required to 4 have an endorsement in the format set forth in subparagraph (D) 5 until the time of the issuance, on or after January 1, 1989, of a 6 renewal endorsement pursuant to paragraph (2).

- (D) A certificate issued pursuant to this paragraph for persons who are not listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 or for persons retiring after January 1, 1981, shall be in the following format: it shall be on a 2 by 3 inch card, bear the photograph of the retiree, the retiree's name, address, date of birth, the date that the retiree retired, name and address of the agency from which the retiree retired, have stamped on it the endorsement "CCW Approved" and the date the endorsement is to be renewed.
- (E) For purposes of this section and Section 12031, "CCW" means "carry concealed weapons."
- (2) A retired peace officer, except an officer listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, shall petition the issuing agency for the renewal of his or her privilege to carry a concealed firearm every five years. An honorably retired peace officer listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, shall not be required to obtain an endorsement from the issuing agency to carry a concealed firearm handgun. The agency from which a peace officer is honorably retired may, upon initial retirement of that peace officer, or at any time subsequent thereto, deny or revoke for good cause the retired officer's privilege to carry a concealed firearm handgun. A peace officer who is listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, shall have his or her privilege to carry a concealed firearm handgun denied or revoked by having the agency from which the officer retired stamp on the officer's identification certificate "No CCW privilege."
- (3) An honorably retired peace officer who is listed in subdivision (c) of Section 830.5 and authorized to carry concealed firearms handguns by this subdivision shall meet the training requirements of Section 832 and shall qualify with the firearm

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handgun at least annually. The individual retired peace officer shall be responsible for maintaining his or her eligibility to carry a concealed firearm handgun. The Department of Justice shall provide subsequent arrest notification pursuant to Section 11105.2 regarding honorably retired peace officers listed in subdivision (c) of Section 830.5 to the agency from which the officer has retired.

- (b) The possession or transportation of unloaded pistols, revolvers, or other firearms capable of being concealed upon the person handguns as merchandise by a person who is engaged in the business of manufacturing, importing, wholesaling, repairing, or dealing in firearms and who is licensed to engage in that business or the authorized representative or authorized agent of that person while engaged in the lawful course of the business.
- (c) Members of the Army, Navy, Air Force, Coast Guard, or Marine Corps of the United States, or the National Guard, when on duty, or organizations which are by law authorized to purchase or receive those weapons handguns from the United States or this state.
- (d) The carrying of unloaded pistols, revolvers, or other firearms capable of being concealed upon the person handguns by duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.
- (e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state, *if those persons have been issued a certificate pursuant to Section 12033.* The certificate is not required of any person who is a peace officer, who has completed all training required by law for the exercise of his or her power as a peace officer, and who is employed elsewhere while not on duty as a peace officer.
- (f) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while the members are using pistols, revolvers, or other firearms capable of being concealed upon the person handguns upon the target ranges, or transporting these firearms unloaded when going to and from the ranges.
- (g) Licensed hunters or fishermen carrying pistols, revolvers, or other firearms capable of being concealed upon the person

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 while handguns while engaged in hunting or fishing, or transporting those firearms unloaded when going to or returning from the hunting or fishing expedition.

- (h) Transportation of unloaded firearms handguns by a person operating a licensed common carrier or an authorized agent or employee thereof when transported in conformance with applicable federal law.
- (i) Upon approval of the sheriff of the county in which they reside, honorably retired federal officers or agents of federal law enforcement agencies, including, but not limited to, the Federal Bureau of Investigation, the Secret Service, the United States Customs Service, the Federal Bureau of Alcohol, Tobacco, and Firearms, the Federal Bureau of Narcotics, the Drug Enforcement Administration, the United States Border Patrol, and officers or agents of the Internal Revenue Service who were authorized to carry weapons while on duty, who were assigned to duty within the state for a period of not less than one year, or who retired from active service in the state.

Retired federal officers or agents shall provide the sheriff with certification from the agency from which they retired certifying their service in the state, the nature of their retirement, and indicating the agency's concurrence that the retired federal officer or agent should be accorded the privilege of carrying a concealed firearm handgun.

Upon that approval, the sheriff shall issue a permit to the retired federal officer or agent indicating that he or she may carry a concealed firearm handgun in accordance with this subdivision. The permit shall be valid for a period not exceeding five years, shall be carried by the retiree while carrying a concealed firearm handgun, and may be revoked for good cause.

The sheriff of the county in which the retired federal officer or agent resides may require recertification prior to a permit renewal, and may suspend the privilege for cause. The sheriff may charge a fee necessary to cover any reasonable expenses incurred by the county.

- (j) The carrying of a handgun by a person who is authorized to carry that handgun in that manner pursuant to Article 3 (commencing with Section 12050).
- (k) The carrying in an exposed manner whether on or about the person or in a vehicle, loaded or unloaded, of a handgun by a

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person authorized to carry a loaded firearm pursuant to paragraph (7) of subdivision (b) or subdivision (c), (d), (h), (k), or (l) of Section 12031. any of the following:

- (1) Armored vehicle guards, as defined in Section 7521 of the Business and Professions Code, (A) if hired prior to January 1, 1977, or (B) if hired on or after that date, if they have received a firearms qualification card from the Department of Consumer Affairs, in each case while acting within the course and scope of their employment.
- (2) The following persons have completed a regular course in firearms training approved by the Commission on Peace Officer Standards and Training:
- (A) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also, under the express terms of the charter, (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) are not less than 18 years of age or more than 40 years of age, (iii) possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.
- (B) Animal control officers or zookeepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry the weapons, or by persons who are authorized to carry the weapons pursuant to Section 14502 of the Corporations Code, while actually engaged in the performance of their duties pursuant to that section.
- (3) Harbor police officers designated pursuant to Section 663.5 of the Harbors and Navigation Code.
- (4) Any of the following that have been issued a certificate pursuant to Section 12033. The certificate shall not be required of any person who is a peace officer, who has completed all training required by law for the exercise of his or her power as a peace officer, and who is employed while not on duty as a peace officer.
- (A) Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities

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Commission authority (i) if hired prior to January 1, 1977, or (ii) if hired on or after January 1, 1977, if they have completed a course in the carrying and use of firearms which meets the standards prescribed by the Department of Consumer Affairs.

- (B) Private investigators and private patrol operators who are licensed pursuant to Chapter 11.5 (commencing with Section 7512) of, and alarm company operators who are licensed pursuant to Chapter 11.6 (commencing with Section 7590) of, Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.
- (C) Uniformed security guards or night watch persons employed by any public agency, while acting within the scope and course of their employment.
- (D) Uniformed security guards, regularly employed and compensated in that capacity by persons engaged in any lawful business, and uniformed alarm agents employed by an alarm company operator, while actually engaged in protecting and preserving the property of their employers or on duty or en route to or from their residences or their places of employment, and security guards and alarm agents en route to or from their residences or employer-required range training. Nothing in this subparagraph shall be construed to prohibit cities and counties from enacting ordinances requiring alarm agents to register their names.
- (E) Uniformed employees of private patrol operators and private investigators licensed pursuant to Chapter 11.5 (commencing with Section 7512) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.
- (*l*) Carrying in an exposed manner an unloaded handgun by a member of an organization chartered by the Congress of the United States of America or a nonprofit mutual or public benefit corporation organized and recognized as a nonprofit tax-exempt organization by the Internal Revenue Service going directly to, or coming directly from, while on official parade duty or ceremonial occasions of that organization.
- (m) Carrying in an exposed manner an unloaded handgun *outside of a vehicle* while within a gun show conducted pursuant to Sections 12071.1 and 12071.4.

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(n) Carrying in an exposed manner an unloaded handgun within a school zone, as defined in Section 626.9, with the written permission of the school district superintendent, his or her designee, or equivalent school authority.

- (o) Carrying in an exposed manner a *an unloaded* handgun that is an antique firearm as defined in paragraph (16) or subsection (a) of Section 921 of Title 18 of the United States Code.
- (p) The carrying in an exposed manner of a handgun under circumstances where it would be otherwise be lawful, by a person who reasonably believes that the person or property of himself or herself or of another is in immediate, grave danger, and that the carrying or the weapon is necessary for the preservation of that person or property. As used in this subdivision, "immediate" means the brief interval before and after the local law enforcement agency, when reasonably possible, has been notified of the danger and before the arrival of assistance.
- SEC. 12. Section 12028 of the Penal Code is amended to read: 12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any explosive substance, other than fixed ammunition, dirk, or dagger, as provided in Section 12020, the unlawful carrying upon the person or within the vehicle of the carrier of any handgun in violation of Section 12025, and the unlawful possession or carrying of any item in violation of Section 653k is a nuisance.
- (b) (1) Except as provided in paragraph (2), a firearm of any nature owned or possessed in violation of Section 12021, 12021.1, or 12101 or used in the commission of any misdemeanor as provided in this code, any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance. A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.
- (2) A firearm is not a nuisance pursuant to this subdivision if the firearm owner disposes of his or her firearm pursuant to paragraph (2) of subdivision (d) of Section 12021.
- (c) Any weapon described in subdivision (a), or, upon conviction of the defendant or upon a juvenile court finding that

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an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the 3 use of a firearm, any weapon described in subdivision (b) shall be surrendered to the sheriff of a county or the chief of police or other 5 head of a municipal police department of any city or city and 6 county or the chief of police of any campus of the University of California or the California State University or the Commissioner of the California Highway Patrol. For purposes of this subdivision, 9 the Commissioner of the California Highway Patrol shall receive only weapons that were confiscated by a member of the California 10 11 Highway Patrol. The officers to whom the weapons are 12 surrendered, except upon the certificate of a judge of a court of 13 record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, 14 between the 1st and 10th days of July, in each year, offer the 15 16 weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, 17 for sale at public auction to persons licensed pursuant to Section 19 12071 to engage in businesses involving any weapon purchased. 20 If any weapon has been stolen and is thereafter recovered from the 21 thief or his or her transferee, or is used in such a manner as to 22 constitute a nuisance pursuant to subdivision (a) or (b) without the 23 prior knowledge of its lawful owner that it would be so used, it 24 shall not be so offered for sale but shall be restored to the lawful 25 owner, as soon as its use as evidence has been served, upon his or 26 her identification of the weapon and proof of ownership. 27

- (d) If, under this section, a weapon is not of the type that can be sold to the public, generally, or is not sold pursuant to subdivision (c), the weapon, in the month of July, next succeeding, or sooner, if necessary to conserve local resources including space and utilization of personnel who maintain files and security of those weapons, shall be destroyed so that it can no longer be used as such a weapon except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of it is necessary or proper to the ends of justice.
- (e) This section does not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto, or which is forfeited pursuant to Section 5008.6 of the Public Resources Code.

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(f) No stolen weapon shall be sold or destroyed pursuant to subdivision (c) or (d) unless reasonable notice is given to its lawful owner, if his or her identity and address can be reasonably ascertained.

SEC. 13. Section 12050 of the Penal Code is amended to read: 12050. (a) (1) (A) The sheriff of a county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying satisfies any one of the conditions specified in subparagraph (D) and has completed a course of training as described in subparagraph (E), may issue to that person a license to carry a handgun in one of the following formats:

(i) A license to carry concealed a handgun.

- (ii) Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in that county a handgun.
- (iii) A license to earry in that county, a handgun that is unloaded and exposed.
- (B) The chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of that city and has completed a course of training as described in subparagraph (E), may issue to that person a license to carry a handgun in one of the following formats:
 - (i) A license to carry concealed a handgun.
- (ii) Where the population of the county in which the city is located is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in that county a handgun.
- (iii) A license to carry in that city, a handgun that is unloaded and exposed.
- (C) The sheriff of a county or the chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a person who has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff or that chief of police or other head of a municipal police department, may issue to that person a license to carry concealed

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a handgun. Direct or indirect fees for the issuance of a license pursuant to this subparagraph may be waived. The fact that an applicant for a license to carry a handgun has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 shall be considered only for the purpose of issuing a license pursuant to this subparagraph, and shall not be considered for the purpose of issuing a license pursuant to subparagraph (A) or (B).

- (D) For the purpose of subparagraph (A), the applicant shall satisfy any one of the following:
 - (i) Is a resident of the county or a city within the county.
- (ii) Spends a substantial period of time in the applicant's principal place of employment or business in the county or a city within the county.
- (E) (i) For new license applicants, the course of training may be any course acceptable to the licensing authority, shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. Notwithstanding this clause, the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of 24 hours, but only if required uniformly of all license applicants without exception.
- (ii) For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. No course of training shall be required for any person certified by the licensing authority as a trainer for purposes of this subparagraph, in order for that person to renew a license issued pursuant to this section.
- (2) (A) (i) Except as otherwise provided in clauses (ii) and (iii), subparagraphs (C) and (D) of this paragraph, and subparagraph (B) of paragraph (4) of subdivision (f), a license issued pursuant to subparagraph (A) or (B) of paragraph (1) is valid for any period of time not to exceed two years from the date of the license.
- (ii) If the licensee's place of employment or business was the basis for issuance of the license pursuant to subparagraph (A) of paragraph (1), the license is valid for any period of time not to

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exceed 90 days from the date of the license. The license shall be 2 valid only in the county in which the license was originally issued. The licensee shall give a copy of this license to the licensing authority of the city, county, or city and county in which he or she resides. The licensing authority that originally issued the license 5 shall inform the licensee verbally and in writing in at least 16-point 6 type of this obligation to give a copy of the license to the licensing authority of the city, county, or city and county of residence. Any 9 application to renew or extend the validity of, or reissue, the license may be granted only upon the concurrence of the licensing 10 11 authority that originally issued the license and the licensing 12 authority of the city, county, or city and county in which the 13 licensee resides.

- (iii) If the license was issued pursuant to either clause (iii) of subparagraph (A) of paragraph (1) or clause (iii) of subparagraph (B) of paragraph (1), the license is valid for any period of time not to exceed 90 days.
- (B) A license issued pursuant to subparagraph (C) of paragraph (1) to a peace officer appointed pursuant to Section 830.6 is valid for any period of time not to exceed four years from the date of the license, except that the license shall be invalid upon the conclusion of the person's appointment pursuant to Section 830.6 if the four-year period has not otherwise expired or any other condition imposed pursuant to this section does not limit the validity of the license to a shorter time period.
- (C) A license issued pursuant to subparagraph (A) or (B) of paragraph (1) is valid for any period of time not to exceed three years from the date of the license if the license is issued to any of the following individuals:
 - (i) A judge of a California court of record.
- (ii) A full-time court commissioner of a California court of record.
 - (iii) A judge of a federal court.

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- (iv) A magistrate of a federal court.
- (D) A license issued pursuant to subparagraph (A) or (B) of paragraph (1) is valid for any period of time not to exceed four years from the date of the license if the license is issued to a custodial officer who is an employee of the sheriff as provided in Section 831.5, except that the license shall be invalid upon the conclusion of the person's employment pursuant to Section 831.5

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 if the four-year period has not otherwise expired or any other condition imposed pursuant to this section does not limit the validity of the license to a shorter time period.

- (3) For purposes of this subdivision, a city or county may be considered an applicant's "principal place of employment or business" only if the applicant is physically present in the jurisdiction during a substantial part of his or her working hours for purposes of that employment or business.
- (b) A license may include any reasonable restrictions or conditions which the issuing authority deems warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry a handgun.
- (c) Any restrictions imposed pursuant to subdivision (b) shall be indicated on any license issued.
- (d) A license shall not be issued if the Department of Justice determines that the person is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.
- (e) (1) The license shall be revoked by the local licensing authority if at any time either the local licensing authority is notified by the Department of Justice that a licensee is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, or the local licensing authority determines that the person is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.
- (2) If at any time the Department of Justice determines that a licensee is within a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, the department shall immediately notify the local licensing authority of the determination.
- (3) If the local licensing authority revokes the license, the Department of Justice shall be notified of the revocation pursuant to Section 12053. The licensee shall also be immediately notified of the revocation in writing.
- (f) (1) A person issued a license pursuant to this section may apply to the licensing authority for an amendment to the license to do one or more of the following:
 - (A) Add or delete authority to carry a particular handgun.
 - (B) Authorize the licensee to carry concealed a handgun.

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(C) If the population of the county is less than 200,000 persons according to the most recent federal decennial census, authorize the licensee to carry loaded and exposed in that county a handgun.

- (D) Change any restrictions or conditions on the license, including restrictions as to the time, place, manner, and circumstances under which the person may carry a handgun.
- (E) Authorize the licensee to carry unloaded and exposed a handgun.
- (2) When the licensee changes his or her address, the license shall be amended to reflect the new address and a new license shall be issued pursuant to paragraph (3).
- (3) If the licensing authority amends the license, a new license shall be issued to the licensee reflecting the amendments.
- (4) (A) The licensee shall notify the licensing authority in writing within 10 days of any change in the licensee's place of residence.
- (B) If the license is one to carry concealed a handgun, then it may not be revoked solely because the licensee changes his or her place of residence to another county if the licensee has not breached any conditions or restrictions set forth in the license or has not fallen into a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. However, any license issued pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) shall expire 90 days after the licensee moves from the county of issuance if the licensee's place of residence was the basis for issuance of the license.
- (C) If the license is one to carry loaded and exposed a handgun, the license shall be revoked immediately if the licensee changes his or her place of residence to another county.
- (D) If the license is issued by the sheriff of a county or the chief or other head of a municipal police department of any city or a city and county to carry unloaded and exposed a handgun, the license shall be revoked immediately if the licensee changes his or her place of residence to another county or city as applicable.
- (5) An amendment to the license does not extend the original expiration date of the license and the license shall be subject to renewal at the same time as if the license had not been amended.
- (6) An application to amend a license does not constitute an application for renewal of the license.

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(g) Nothing in this article shall preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this article.

- SEC. 14. Section 12807 of the Penal Code is amended to read: 12807. (a) The following persons, properly identified, are exempted from the handgun safety certificate requirement in subdivision (b) of Section 12801:
- (1) Any active or honorably retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.
- (2) Any active or honorably retired federal officer or law enforcement agent.
 - (3) Any reserve peace officer, as defined in Section 832.6.
- (4) Any person who has successfully completed the course of training specified in Section 832.
- (5) A firearms dealer licensed pursuant to Section 12071, who is acting in the course and scope of his or her activities as a person licensed pursuant to Section 12071.
- (6) A federally licensed collector who is acquiring or being loaned a handgun that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, who has a current certificate of eligibility issued to him or her by the department pursuant to Section 12071.
- (7) A person to whom a handgun is being returned, where the person receiving the firearm is the owner of the firearm.
- (8) A family member of a peace officer or deputy sheriff from a local agency who receives a firearm pursuant to Section 50081 of the Government Code.
- (9) Any individual who has a valid license issued pursuant to Section 12050.
- (10) An active, or honorably retired member of the United States Armed Forces, the National Guard, the Air National Guard, the active reserve components of the United States, where individuals in those organizations are properly identified. For purposes of this section, proper identification includes the Armed Forces Identification Card, or other written documentation certifying that the individual is an active or honorably retired member.

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(11) Any person who is authorized to carry loaded firearms pursuant to subdivision (c) or (d) of Section 12031.

- (12) Persons who are the holders of a special weapons permit issued by the department pursuant to Section 12095, 12230, 12250, or 12305.
- (b) The following persons who take title or possession of a handgun by operation of law in a representative capacity, until or unless they transfer title ownership of the handgun to themselves in a personal capacity, are exempted from the handgun safety certificate requirement in subdivision (b) of Section 12801:
 - (1) The executor or administrator of an estate.

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- (2) A secured creditor or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.
- (3) A levying officer, as defined in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure.
 - (4) A receiver performing his or her functions as a receiver.
 - (5) A trustee in bankruptcy performing his or her duties.
- (6) An assignee for the benefit of creditors performing his or her functions as an assignee.
- SEC. 15. Section 10334 of the Public Contract Code is amended to read:
- 10334. (a) No state employee shall acquire any goods from the state, unless the goods are offered to the general public in the regular course of the state's business on the same terms and conditions as those applicable to the employee. "State employee," as used in this section, means any employee of the state included within Section 82009 of the Government Code, and all officers and employees included within Section 4 of Article VII of the California Constitution, except those persons excluded from the definition of "designated employee" under the last paragraph of Section 82019 of the Government Code.
- (b) Notwithstanding subdivision (a), any peace officer as 36 defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, employed by the State of California for a period of more than 120 months who has been duly retired through a service retirement or a peace officer retiring from a job-incurred disability not related to a mental or emotional

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disorder and who has been granted the legal right to carry a concealed handgun pursuant to subdivision (a) of Section 12027 of the Penal Code may be authorized by the person's department head to purchase his or her state-issued handgun. Disability retired peace officers need not meet the 120-month employment requirement. The cost of the handgun shall be the fair market value as listed in the annual Blue Book of Gun Values or replacement cost, whichever is less, of the handgun issued as determined by the appointing power, plus a charge for the cost of handling. The retiring officer shall request to purchase his or her handgun in writing to the department within 30 calendar days of his or her retirement date.

(c) Notwithstanding subdivision (a), any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code employed by the State of California who is authorized to carry firearms may purchase his or her state-issued service firearm if the person's department head directs the department to change its state-issued service weapon system. The cost of the service firearm shall be the fair market value as listed in the annual Blue Book of Gun Values or replacement cost, whichever is less, of the firearm issued as determined by the department head, plus a charge for the cost of handling. The requesting officer shall request to purchase his or her firearm in writing to the department within 10 calendar days of receiving the new state-issued weapon.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.